UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-316-1F(3)
NO. 5:09-CR-316-2F(3)
NO. 5:09-CR-316-3F(3)
NO. 5:09-CR-316-4F(3)
NO. 5:09-CR-316-5F(3)
NO. 5:09-CR-316-6F(3)
NO. 5:09-CR-316-7F(3)
NO. 5:09-CR-316-8F(3)

FILED IN OPEN COURT
ON 10-28-09
Dennis P. Iavarone, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA)
)
v.)
)
SHADARRYL TURNER,)
a/k/a "D")
a/k/a "Ditto")
a/k/a "Van Ditto")
a/k/a "Shad")
JOHNNIE JENKINS) INDICTMENT
MICHAEL MILLER)
JAMISHA CULBRETH)
RENEE HUTCHINSON)
NYKKYTTA LANE)
LISA ROUSE)
CHANTINA CLEVELAND)

The Grand Jury charges:

COUNT ONE

Beginning on an exact date unknown to the Grand Jury, but in the fall of 2008, and continuing up to and including on or about December 17, 2008, in the Eastern District of North Carolina, SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," JOHNNIE JENKINS, MICHAEL MILLER, JAMISHA CULBRETH, RENEE HUTCHINSON, NYKKYTTA LANE, LISA ROUSE, and CHANTINA CLEVELAND, the defendants herein, did knowingly conspire, confederate, and agree with others to commit offenses against the United States in violation of Title 18, United States Code, Section 1029(a), to wit:

1. To knowingly and with intent to defraud traffic in and use more than one unauthorized access device, to wit: credit card account numbers, during a one-year period, and by such conduct obtained anything of value aggregating $1,000.00 during that period, affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(2).

2. To knowingly and with intent to defraud, possess fifteen devices, to wit: credit card account numbers, which are unauthorized access devices, affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(3).

3. To knowingly and with intent to defraud effect transactions, with more than one (1) access device, to wit: credit card account numbers, issued to other persons, to receive payment and other things of value during a one (1) year period the aggregate of which was greater than $1,000.00, affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(5).

MANNER AND MEANS

4. Defendant MICHAEL MILLER was employed as a desk manager at a hotel located in Fayetteville, North Carolina, in December 2008, and had access to credit card account numbers of hotel guests, past and present, during his employment.

5. Defendants JAMISHA CULBRETH and RENEE HUTCHINSON were employed as sales associates at a department Store located in Fayetteville, North Carolina, and had access to sales terminals which allowed them to process credit card account numbers manually.

6. Defendants NYKKYTTA LANE, a manager, and CHANTINA CLEVELAND, a server, were employed at a restaurant in Fayetteville, North Carolina, and had access to sales terminals which allowed them to process credit card numbers manually.

7. Defendant LISA ROUSE, a server, was employed at another restaurant located in Fayetteville, North Carolina, and had access to a sales terminal which allowed her to process credit card account numbers manually.

OVERT ACTS

In furtherance of the conspiracy defendants engaged in conduct in furtherance of the offenses which were the object of the conspiracy including, but not limited to, the following overt acts:

8. Defendant MICHAEL MILLER provided defendant SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," with printouts which contained more than fifteen (15) credit card account numbers of hotel guests.

9. Defendant SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," provided defendant JOHNNIE JENKINS with hotel guests' credit card account numbers.

10. Defendants SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," and JOHNNIE JENKINS, provided defendants JAMISHA CULBRETH and RENEE HUTCHINSON, then department store sales associates, with hotel guests' credit card account numbers in order to purchase department store merchandise, including gift cards.

11. Defendants JAMISHA CULBRETH and RENEE HUTCHINSON knowingly completed sales transactions using the credit card account numbers SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," JOHNNIE JENKINS, provided by manually entering the credit card account numbers and upon completion of the transactions, provided SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," and JOHNNIE JENKINS with department store merchandise, including gift cards.

12. Defendants SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," and JOHNNIE JENKINS, provided defendants NYKKYTTA LANE and CHANTINA CLEVELAND, then employees of a Fayetteville restaurant, with hotel guests' credit card account numbers in order to purchase goods, services, and merchandise, including gift cards.

13. Defendants NYKKYTTA LANE and CHANTINA CLEVELAND knowingly completed sales transactions using the credit card account numbers SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," and JOHNNIE JENKINS, provided by manually entering the

credit card account numbers and upon completion of the transactions, provided SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," and JOHNNIE JENKINS with restaurant goods, services, and merchandise, including gift cards.

14. Defendant SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," provided defendant LISA ROUSE, then a manager at a Fayetteville, North Carolina, restaurant, with hotel guests' credit card account numbers in order to obtain restaurant goods, services, and merchandise, including gift cards.

15. Defendant LISA ROUSE knowingly completed sales transactions using the credit card account numbers SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," provided by manually entering the credit card account numbers and upon completion of the transactions, provided SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," with restaurant goods, services, and merchandise, including gift cards.

All in violation of Title 18, United States Code, Section 1029(b)(2).

COUNT TWO

Beginning on an exact date unknown to the Grand Jury in November 2008, and continuing up to and including, on or about November 29, 2008, in the Eastern District of North Carolina, SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," JOHNNIE JENKINS, NYKKYTTA LANE, and CHANTINA CLEVELAND, the defendants herein, each aided and abetted by the other, did knowingly and with intent to defraud effect transactions with more than one access device, to wit: credit card account numbers issued to other persons, to receive payment and other things of value during a one (1) year period the aggregate of which was greater than $1,000.00, affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(5) and 2.

COUNT THREE

Beginning on or about December 13, 2008, and continuing up to and including on or about December 17, 2008, in the Eastern District of North Carolina, SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto," and "Shad," JOHNNIE JENKINS, JAMISHA CULBRETH and RENEE HUTCHINSON, the defendants herein, each aided and abetted by the other, did knowingly and with intent to defraud effect transactions with more than one or more access device, to wit: credit card account numbers, issued to other persons, to receive payment and other things of value during a one (1) year period the aggregate of which was greater than $1,000.00, affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(5) and 2.

FORFEITURE NOTICE

The defendants are given notice of the provisions of Title 18, United States Code, Section 1029(c)(1)(C), that all the defendants' interest in all property specified herein is subject to forfeiture.

As a result of the foregoing offenses in Counts One through Three of the indictment, the defendants shall forfeit to the United States any and all personal property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses alleged in Counts One through Three of the indictment.

The forfeitable property includes, but is not limited to:

personal property

(A) SHADARRYL TURNER, also known as, "D," "Ditto," "Van Ditto" and "Shad" - 2004 Audi A8 Quattro, vehicle identification number WAUML44E74N00511.

(B) JOHNNIE JENKINS - 1998 Ford Explorer, vehicle identification number 1FMRU17L8WLC22080.

If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be

subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A TRUE BILL

FOREPERSON

10/28/2009
DATE

GEORGE E.B. HOLDING
United States Attorney

BY: MICHAEL G. JAMES
Assistant United States Attorney
Criminal Division